

ARIZONA DEPARTMENT OF TRANSPORTATION

HIGHWAY DIVISION

CONTRACT 86-23

TUCSON-BENSON HIGHWAY (I10)

IR-10-5(54)

010 PM 260

JRA: 89-22

LETTER OF AGREEMENT

This AGREEMENT, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, herein called "STATE", and the CITY OF TUCSON, by and through its ENGINEERING DIVISION, TRANSPORTATION DEPARTMENT, herein called CITY. The purpose of the Agreement is to transmit the authority and responsibility for issuing, reviewing, approving, or denying road right-of-way encroachment permits for utility facility adjustments, installations, relocations, removals, and abandonments from the CITY to the STATE to accommodate the construction of Project IR-10-5(54). This agreement shall become effective upon date of final execution and terminate upon completion of the project, at which time control of permitting requirements for CITY streets (excluding all portions of the STATE Highway System right-of-way for the project) shall return to the CITY. All permits issued by the STATE during the period in which this agreement is in force shall be completed and then become the responsibility of the CITY following termination of this agreement.

Now, therefore, it is mutually understood and agreed by and between the parties hereto that it is to the mutual benefit of the STATE and the CITY to enter into this agreement specifying their respective responsibilities for the review, approval or denial, and processing of State Highway Encroachment permits as follows:

A. The review, approval, or denial of road right-of-way encroachment permits for utility facility adjustments, relocations, removals, and abandonments on highways temporarily under the control of the STATE as part of the construction of Project IR-10-5(54), shall be the responsibility of the STATE. Those portions of the CITY streets subject to this Letter of Agreement are set forth and delineated upon the plan sheets attached hereto and incorporated herein as Exhibit A.

B. The permitting procedure shall be as follows:

1. A STATE encroachment permit application shall be completed by all utility companies and municipal utility agencies installing new facilities, relocating existing facilities, or removing/abandoning facilities located within road right-of-way. The permit application shall include utility company plan and profile sheets and where facilities are to be installed or to remain within the controlled access limits, the corresponding Project plan and profile sheets shall be included. The permit application shall be in compliance with the STATE's "Encroachments in Highway Rights-of-Way" manual, the Arizona Highway Department "Accommodating Utilities on Highway Rights-of-Way" manual, and other pertinent STATE policies, procedures, rules, and regulations. Within the CITY Street System; i.e., CITY streets subject to this Agreement that will not be taken in to the STATE's Highway system, utility construction shall comply with CITY rules, regulations, policies, procedures, and standards unless they are in conflict with STATE requirements, in which case the STATE's requirements shall prevail. All permits will be submitted to the STATE District Engineer, 1221 South 2nd Avenue, P.O. Box 27306, Tucson, Arizona 85726-7306.

3. The STATE shall review the permit application for conflicts and/or conformance to plans for the project and for compliance with STATE encroachment permit requirements.

4. The STATE shall then determine a final disposition regarding approval or denial of the encroachment permit application and transmit documentation of their action to the applicant. One copy of the processed encroachment permit including approved construction plans and/or other documentation of the STATE's action shall be submitted to the CITY, Engineering Division, Permits and Codes, P.O. Box 27210, Tucson, Arizona 85726-7210, prior to the start of construction.

5. Upon completion of the work outlined and approved by the permit, the Utility owner shall submit four sets of "as-built" plans to the STATE.

6. The STATE shall forward a copy of each completed encroachment permit including utility owner "as-built" plans to the CITY upon completion of project construction and termination of this agreement.

C. The STATE shall be responsible for the following:

1. Specification of backfill/pavement replacement requirements.
2. Inspection of excavation, backfill, and pavement replacement.

3. Applicant's compliance with traffic control requirements.
4. Inspection of installed utilities facilities for compliance with the STATE encroachment permit.

D. Maintenance responsibilities are not included in this agreement and shall remain as currently controlled until final determination and agreement is concluded by means of a separate Intergovernmental Agreement.

IN WITNESS WHEREOF, the parties hereto have agreed to abide by the provisions of the Letter of Agreement as of the day, month, and year herein written.

ARIZONA DEPARTMENT OF
TRANSPORTATION

CITY OF TUCSON

By:

Robert P. Mickelson
Robert Mickelson
Deputy State Engineer

By:

Benny J. Young
for Benny J. Young
City Engineer

David B. Moody
As Purchasing Agent and Not
Personally

APPROVED AS TO CONTENT:

PS Camello
For Administering Department
and Not Personally

APPROVED AS TO FORM:

[Signature]
As Assistant City Attorney and
Not Personally